

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

- (1) DISCOVER FINANCIAL SERVICES.;**
- (2) ELECTRONIC ARTS, INC.;**
- (3) HOME DEPOT, INC.;**
- (4) LOWE'S COMPANIES, INC.;**
- (5) MCDONALD'S CORP.;**
- (6) MONEYGRAM INT'L, INC.;**
- (7) NEWS CORP.;**
- (8) RECREATIONAL EQUIPMENT, INC.;**
- (9) SEARS HOLDING CORP.;**
- (10) SIMON PROPERTY GROUP, INC.;**
- (11) STARBUCKS CORP.;**
- (12) TARGET CORP.;**
- (13) THE GAP, INC.;**
- (14) THE SPORTS AUTHORITY, INC.;**
- (15) TJX COMPANIES, INC.;**
- (16) YUM! BRANDS, INC.;**
- (17) ZYNGA GAME NETWORK, INC.;**
- (18) ACE CASH EXPRESS, INC.;**
- (19) BRINKER INT'L, INC.; and**
- (20) DARDEN RESTAURANTS, INC.,**

Defendants.

CIVIL ACTION NO. 2:10-cv-177

JURY TRIAL DEMANDED

JOINT MOTION FOR DISMISSAL WITHOUT PREJUDICE

Plaintiff Actus, LLC, and Defendant MoneyGram International, Inc. ("the Parties"), pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and (a)(2), hereby move for an order dismissing all

claims and counterclaims in this action between them WITHOUT PREJUDICE, with each party to bear its own costs, expenses and attorneys' fees.

Dated: June 27, 2011

Respectfully Submitted,

MONEYGRAM INTERNATIONAL, INC. ACTUS, LLC

By: /s/ Neil J. McNabnay
Neil J. McNabnay
Texas Bar No. 24002583
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, Texas 75201
(214) 747-5070 Telephone
(214) 747-2091 Facsimile
Email: njm@fr.com

ATTORNEY FOR DEFENDANT
MONEYGRAM INTERNATIONAL, INC.

By: /s/ William E. Davis, III
William E. Davis, III
Texas State Bar No. 24047416
The Davis Firm, PC
111 West Tyler Street
Longview, Texas 75601
Telephone: (903) 230-9090
Facsimile: (903) 230-9661
Email: bdavis@bdavisfirm.com

ATTORNEY FOR PLAINTIFF
ACTUS, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing via email on this 27th day of June, 2011.

/s/ William E. Davis, III
William E. Davis, III